

**SUPREME COURT MINUTES**  
**MONDAY, MAY 24, 2004**  
**SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 24, 2004, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

Justice Werdegar, not participating in consideration of the following case, did not take the bench.

The Honorable Douglas E. Swager, Associate Justice, Court of Appeal, First District, Division One, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S113136      Bronco Wine Company, et al., Petitioners

v.

Jerry R. Jolly, as Director, etc., Respondent

Napa Valley Vintners Association, Intervenor

Cause called. Richard Mendelson argued for Respondent and Intervenor.

Peter M. Brody argued for Petitioner.

Mr. Mendelson replied.

Cause submitted.

Justice Swager, not participating in the following matters, did not join the bench. The Court is joined at the bench by Justice Werdegar. All other officers were present as before shown.

S119948      The People, Plaintiff and Appellant

v.

Brenner Carl Ault, Defendant and Respondent

Cause called. Craig Fisher, Office of the San Diego County  
District Attorney, argued for Appellant.

Charles Sevilla argued for Respondent.

Mr. Fisher replied.

Cause submitted.

S118034      The People, Plaintiff and Respondent

v.

Quincy Robertson, Defendant and Appellant

Cause called. William M. Kuimelis, Office of the Attorney  
General, argued for Respondent.

Juliana Drous argued for Appellant.

Mr. Kuimelis replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

S111662      The People, Plaintiff and Respondent

v.

Ricardo Elizalde Montoya, Defendant and Appellant

Cause called. Athena Shudde argued for Appellant.

William Kim, Office of the Attorney General, argued for  
Respondent.

Ms. Shudde replied.

Cause submitted.

S011960      The People, Respondent

v.

Cynthia Lynn Coffman and James Gregory Marlow, Appellants

Cause called. William Kopeny argued for Appellant Coffman.

Barry L. Morris argued for Appellant Marlow.

Pamela Ratner, Office of the Attorney General, argued for  
Respondent.

Mr. Kopeny replied.

Cause submitted.

S026614      The People, Respondent

v.

James Gregory Marlow, Appellant

Cause called. Barry L. Morris argued for Appellant.

Pamela Ratner, Office of the Attorney General, argued for  
Respondent.

Mr. Morris replied.

Cause submitted.

Court recessed until 9:00 a.m., Tuesday, May 25, 2004.

**S108119**

A093574 First Appellate District,  
Division Four

PEOPLE v. DELOUIZE

Opinion filed: Judgment affirmed in full

Majority opinion by Kennard, J.  
--- joined by George, C.J., Baxter, Werdegar,  
Chin, Brown, Moreno, JJ.

**S114171**

F040111 Fifth Appellate District

STATE OF CALIFORNIA v. S.C. (BODDE)

Opinion filed: Judgment reversed and remanded

Opinion by Brown, J.  
--- joined by George, C.J., Kennard, Werdegar,  
Chin, Moreno, Simons, JJ.\*

\*Associate Justice of the Court of Appeal,  
First Appellate District, Division Five, assigned  
by the Chief Justice pursuant to article VI,  
section 6 of the California Constitution.

**S064769**

PEOPLE v. HAWTHORNE (CARLOS)

Extension of time granted

to July 23, 2004 to file respondent's brief.

**S074804**

PEOPLE v. HARTSCH (CISCO)

Extension of time granted

to July 19, 2004 to file appellant's opening brief.

**S120546**

B163219 Second Appellate District,  
Division Three

CLAREMONT POLICE OFFICERS ASSOCIATION v.  
CITY OF CLAREMONT

Extension of time granted

to June 23, 2004 for respondent to file the reply  
brief on the merits.

**S123474**

A097749 First Appellate District,  
Division Five

PEOPLE v. MCGEE

Extension of time granted

to June 11, 2004 to file respondent's opening  
brief on the merits.

**S124949**

PEOPLE v. PETERS  
Transferred to CA 2

**S124966**

YOUNG v. S.C. (PEOPLE)  
Transferred to CA 2

for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2nd 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

**S124957**

BAR ADMISSION (FEBRUARY 2004)  
General Bar Admission order filed

IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE BAR OF CALIFORNIA FOR ADMISSION OF  
ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted as attorneys at law in all courts of the State of California upon their taking the prescribed oath before a competent officer on or after May 24, 2004, and within the time limits specified in Rule IX of the Rules Regulating Admissions to Practice Law in California, is hereby granted:  
(List of Names Attached to Original Order)

**F043304** Fifth Appellate District

IN RE LUIS C.  
Order filed

The time for granting or denying review on the court's own motion is extended to and including June 23, 2004.